

AMENDMENTS TO THE DRAWINGS

Please delete Figure 3 previously submitted and replace with the replacement drawing sheet containing Figure 2 and Figure 3 which is attached hereto.

REMARKS

The finality of the rejection of the last Office action has been withdrawn.

The Examiner has also withdrawn the allowable subject matter in original dependent claim 7 (which was cancelled in the previous Amendment After Final and incorporated into independent claims 1 and 5), and claims 9 and 11 in view of the newly discovered reference DE 101 17 668 A1 (US 2005/0126479) to Metzger et al.

The replacement drawing of Figure 3 has been objected to as containing new matter.

Claims 1-5, 9, 11-14 and 16-18 remain pending in the application and stand rejected. Claims 6-8 and 10 and 15 have been cancelled.

Claims 1-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner states that "the lateral guides" in Claim 1 lacks antecedent basis. Applicants have amended Claim 1 to provide proper antecedent basis for this term.

The Examiner has also objected to Claim 1 stating that "on a curtain" should be "in a curtain" as the solution is part of the curtain. Claim 1 has been amended to correct this error.

The pending claims also stand rejected under various prior art grounds. In particular, Claims 5,9,11,16-18 stand rejected under 103(a) as being unpatentable over WO 03/049870 ('870) in view of DE 101 17 668 A1 ('668); Claims 1-4 stand rejected under 103(a) as being unpatentable over WO 03/049870 ('870) in view of DE 101 17 668 A1 ('668) as applied to claims 5,9,11 and 16-18 and further in view of EP 023 949 A1 ('949); and Claims 12-14 stand rejected as being unpatentable over '870 in view of '668 as applied to claims 5,9,11 and 16-18 above, and further in view of Oki et al (US 6454858). Applicant's respectfully disagree.

Drawing - Objection

The replacement drawing of Figure 3 has been objected on the grounds that there is no support in the disclosure as originally filed for the dimension widths and therefore the Examiner states contains new matter.

Applicants have submitted a corrected drawing of Figure 3 clearly marking the distance between the channels as ``10 μm - 1000 μm '' and the height of the channels as ``1 μm - 500 μm .'' This corrected drawing does not contain any new matter. Full support for these dimensions is found in the specification as originally filed at page 3 lines 32 to 34.

The Examiner maintains her rejection on our previous submission of an amended Figure 3. Examiner states that the amended Figure 3 which provides an expanded view of the ``channels'' of the invention and particularly defines the dimensions as having a width of ``10 + 1000y'' and a depth of ``1 + 500y'' is not supported by the disclosure as originally filed and is therefore considered new matter. (Dr. Kuhn's comments?)

Obviousness Rejections

Claims 5,9,11,16-18 stand rejected under 103(a) as being unpatentable over WO 03/049870 (`870) in view of DE 101 17 668 (`668); Claims 1-4 stand rejected under 103(a) as being unpatentable over WO 03/049870 (`870) in view of DE 101 17 668 (`668) as applied to claims 5,9,11 and 16-18 and further in view of EP 023 949 A1 (`949); and Claims 12-14 stand rejected as being unpatentable over `870 in view of `668 as applied to claims 5,9,11 and 16-18 above, and further in view of Oki et al (US 6454858). Applicants respectfully disagree and assert that the newly cited reference DE 101 17 668 is not a proper reference.

The publication date of DE 101 17 668 A1 is October 10, 2002 which is after the foreign priority date of the present application which is September 10, 2002. The Examiner has stated that Applicants can rely upon the foreign priority document to overcome the rejections (based on the `668 reference) if an exact translation of the document is made of record in accordance with 37 CFR 1.55.

Applicants herein submit a signed Statement by the translator, Dr. Jacob Kuhn certifying that the translation provided herein is a ``true and exact translation'' of the European Patent Application 02405783.8 filed September 10, 2002 (``the priority application'').

Accordingly, since publication of the newly cited reference DE 101 17 668 is after the foreign priority date of the present application it cannot be used as a prior art reference.